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UNCLAS ROME 003174

SIPDIS

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REICH AND DICK HUGHES, OFFICE OF THE SECRETARY: KATHY
WHITE
STATE FOR OES/ENV RICK DRISCOLL, L/OES K. YOUELL-PAGE AND
IO/EDA ROSE BERSTEIN
USAID FOR ROB BERTRAM
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FROM FODAG

E.O. 12958: N/A

TAGS: [AORC](#) [EAGR](#) [SENV](#) [FAO](#)

SUBJECT: LOOKING AHEAD TO FAO COMMISSION ON GENETIC
RESOURCES FOR FOOD AND AGRICULTURE

11. SUMMARY: OPERATING AS THE INTERIM GOVERNING BODY (IGB)
OF THE NEWLY-APPROVED INTERNATIONAL TREATY ON PLANT
GENETIC RESOURCES, THE OCTOBER 9-18 FAO COMMISSION ON
GENETIC RESOURCES FOR FOOD AND AGRICULTURE WILL DISCUSS
(AND POSSIBLY APPROVE), INTER ALIA, IGB RULES OF
PROCEDURE AND TERMS OF REFERENCE FOR THE EXPERT GROUP TO
DRAFT THE MATERIAL TRANSFER AGREEMENT GOVERNING EXCHANGE
OF CROPS ON THE TREATY LIST. OTHER ITEMS OF INTEREST TO
THE UNITED STATES AT THE COMMISSION PROPER WILL BE
DISCUSSION OF A REVISED PAPER ON SO-CALLED "TERMINATOR"
TECHNOLOGY, DISCUSSION OF NEXT STEPS ON A PROPOSED CODE
OF CONDUCT ON BIOTECHNOLOGY, AND COMMISSION APPROVAL OF
THE REVISED INTERNATIONAL AGRICULTURAL RESEARCH CENTERS
(IARCS) MATERIAL TRANSFER AGREEMENTS. AS ENTRY INTO FORCE
OF THE INTERNATIONAL TREATY DRAWS NEARER, THE UPCOMING
MEETING MAY REPRESENT THE MOMENT OF MAXIMUM INFLUENCE THE
U.S. IS ABLE TO EXERT OVER THE IGB. END SUMMARY.

TIMETABLE FOR COMMISSION AND INTERIM GOVERNING BODY

12. THE FAO COMMISSION ON GENETIC RESOURCES FOR FOOD AND
AGRICULTURE WILL MEET IN ROME OCTOBER 9-18, 2002. A
FORMAL INVITATION LETTER SHOULD BE SENT OUT NEXT MONTH.
THE FAO SECRETARIAT INTENDS TO CONVENE THE FIRST SESSION
OF THE INTERIM GOVERNING BODY (IGB) OF THE INTERNATIONAL
TREATY ON PLANT GENETIC RESOURCES DURING THE FIRST THREE
DAYS. THE REST OF THE COMMISSION'S BUSINESS WILL BE
HANDLED OCTOBER 13-18 (THERE ARE NO PROVISIONS FOR WORK
OVER THE WEEKEND OF OCTOBER 11-12, BUT THIS MAY IN FACT
OCCUR).

13. THE FIRST ORDER OF BUSINESS OF THE COMMISSION WILL BE
TO APPROVE ITS NEW BUREAU AND THEN SUSPEND THE SESSION TO
START THE FIRST SESSION OF THE IGB. COMMENT: CONCERNING
THE COMMISSION BUREAU, ACCORDING TO NORMAL FAO PRACTICE,
THIS SHOULD HAVE BEEN AGREED AHEAD OF TIME BETWEEN THE
REGIONAL GROUPS. WHILE THERE IS NO STRICT ROTATION
BETWEEN REGIONAL GROUPS FOR CHAIRMANSHIPS AT THE FAO, IT
IS RECOGNIZED THAT ALL REGIONAL GROUPS SHOULD HAVE AN
OPPORTUNITY TO CHAIR THE FAO COMMISSIONS. THE NORTH
AMERICAN GROUP AND THE SOUTHWEST PACIFIC GROUP ARE THE
ONLY TWO REGIONAL GROUPS NOT TO HAVE CHAIRED THE
COMMISSION SINCE ITS CREATION. THE U.S. EXPRESSED
INTEREST IN CHAIRING THE COMMISSION DURING A 2001 MEETING
OF THE ROME/OECD GROUP (WHICH IS CHARGED WITH DISCUSSING
BUREAU POSITIONS AMONG OECD MEMBER COUNTRIES.) THIS HAS
NOT YET BEEN DISCUSSED IN AN OECD MEETING IN 2002. END
COMMENT.

AGENDA FOR THE INTERIM GOVERNING BODY (IGB)

14. THE IGB WILL HAVE BEFORE IT THE WORK PROGRAM SET OUT
IN THE RESOLUTION ADOPTED AT THE FAO CONFERENCE IN
NOVEMBER 2001 ALONG WITH THE TREATY. THIS COMPRISES:

-- ELECTION OF THE BUREAU OF THE IGB. THE COMMISSION
ITSELF FOLLOWS THE PRACTICE OF HAVING A BUREAU MEMBER
FROM EACH FAO REGION (LATIN AMERICA, NORTH AMERICA, ASIA,
NEAR EAST, SOUTHWEST PACIFIC, AFRICA AND EUROPE). THE
IGB IS FREE TO FOLLOW THIS PRACTICE OR USE ANOTHER ONE
(I.E., THE COMMISSION IN THE PAST USED ANOTHER BUREAU
COMPOSITION COMPRISING ONLY A CHAIR AND TWO VICE-CHAIRS).
COMMENT: WE EXPECT THAT MEMBERS WILL SUPPORT THE FIRST
ALTERNATIVE AS ASSURING EQUITABLE REGIONAL
REPRESENTATION. MISOFF SPOKE WITH CANADIAN REP BRAD
FRALEIGH DURING THE WORLD FOOD SUMMIT:FIVE YEARS LATER
MEETING IN JUNE AND HE EXPRESSED INTEREST IN SERVING ON
THE IGB BUREAU AS THE NORTH AMERICAN REPRESENTATIVE. END
COMMENT.

--THE ADOPTION OF RULES OF PROCEDURE FOR THE IGB. THE
IGB MAY DECIDE TO USE THE COMMISSION RULES OF PROCEDURE
(WHICH PROVIDE FOR VOTING IN THE EVENT CONSENSUS IS NOT

REACHED) OR CHOOSE TO ADOPT CONSENSUS AS A RULE FOR THE IGB. COMMENT: SINCE THE INTERNATIONAL TREATY (IT) HAS CONSENSUS AS THE RULE, IT SEEMS REASONABLE THAT THE IGB WOULD FOLLOW THE SAME PROCEDURE.

-- AGREEMENT ON DRAFT FINANCIAL RULES FOR THE IT: THE FAO WILL PROVIDE EXAMPLES OF FINANCIAL RULES FROM OTHER FAO BODIES SIMILAR TO THE IT GOVERNING BODY (TUNA COMMISSION, EUROPEAN FOOT AND MOUTH DISEASE COMMISSION) AND MEMBERS MAY DECIDE WHICH FINANCIAL RULES WILL BE MOST APPROPRIATE FOR THE GOVERNING BODY.

-- AGREEMENT ON DRAFT RULES OF PROCEDURE FOR THE IT: IN THIS CASE THE FAO WILL HAVE FEWER EXAMPLES TO DRAW ON SINCE MOST BODIES USE THE FAO RULES OF PROCEDURE AND THE IT ALREADY PROVIDES THAT CONSENSUS WILL BE THE RULE, HOWEVER, THERE WILL BE DISCUSSION OF THOSE ITEMS WHERE, BY CONSENSUS, MEMBERS ARRIVE AT ANOTHER DECISION-MAKING METHOD.

-- AGREEMENT ON THE TERMS OF REFERENCE (TOR) FOR THE EXPERT GROUP TO DRAFT THE PROPOSED MATERIAL TRANSFER AGREEMENT (MTA). THE FAO SECRETARIAT WILL SUGGEST THAT THE U.S.-DRAFTED TERMS OF REFERENCE BE CIRCULATED AS AN INFO DOCUMENT UNDER THIS AGENDA ITEM.

-- OTHER ITEMS: THE WORK PLAN THAT THE IGB UNDERTAKES TO PREPARE FOR THE FIRST SESSION OF THE GOVERNING BODY (GB) ALSO INCLUDES: A PROPOSED BUDGET FOR THE IT, PROPOSED PROCEDURES TO PROMOTE COMPLIANCE WITH ARTICLE 21 AND PREPARATION OF DRAFT AGREEMENTS BETWEEN THE INTERNATIONAL AGRICULTURAL RESEARCH CENTERS (IARCS) AND THE GOVERNING BODY. COMMENT: IT IS UNLIKELY THAT THE IGB WILL HAVE TIME TO ADDRESS THESE ISSUES IN THIS SESSION.

AGENDA FOR THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

15. THE FOLLOWING ITEMS WILL BE CONSIDERED DURING THE SUBSEQUENT COMMISSION SESSION:

-- REPORT OF THE TECHNICAL WORKING GROUP ON PLANT GENETIC RESOURCES (TWGPGR), TO INCLUDE ITEMS COVERED IN ITS JULY 2001 MEETING: FUNCTIONING OF THE GLOBAL SYSTEM, THE STATE OF THE WORLD'S PLANT GENETIC RESOURCES, THE EARLY WARNING SYSTEM AND THE IN-SITU NETWORK. THIS WILL INCLUDE THE REVISED REPORT ON GENETIC END USE TECHNOLOGY (GURTS). COMMENT: THE GURTS REPORT WAS NOT ACCEPTED BY THE TWGPGR AND THE SECRETARIAT WAS REQUESTED TO REVISE IT IN LIGHT OF COMMENTS RECEIVED DURING AND AFTER THE MEETING. (COMMENT: THIS ISSUE WAS ALSO DISCUSSED AT THE RECENTLY CONCLUDED CONFERENCE OF THE PARTIES (COP) OF THE CONVENTION ON BIOLOGICAL DIVERSITY. WASHINGTON READERS WILL RECALL THAT MISLEADING DOCUMENTATION (POSTED BY THE CBD SECRETARIAT, ACCORDING TO FAO) GAVE THE IMPRESSION THAT THE TWGPGR HAD IN FACT COME TO SOME CONCLUSIONS ON GURTS WHEN THIS WAS NOT THE CASE. FAO SECRETARIAT MEMBER PEPE ESQUINAS (WHO WAS AT THE COP) COMMENTED TO MISOFF THAT HE WAS SATISFIED THAT THE COP AT THE END RECOGNIZED THAT THE MATTER CAME UNDER THE FAO'S MANDATE AND WAS STILL OPEN. END COMMENT.)

-- ANIMAL GENETIC RESOURCES: INFORMATION ON THE ACTIVITIES OF THE INTERGOVERNMENTAL TECHNICAL WORKING GROUP ON THE GLOBAL STRATEGY, THE STATE OF THE WORLD'S ANIMAL GENETIC RESOURCES (SOWAGR). AN AD-HOC SESSION OF THE INTERGOVERNMENTAL TECHNICAL WORKING GROUP MAY BE CONVENED DURING THE COMMISSION SESSION TO TAKE ADVANTAGE OF THE PRESENCE OF DELEGATES WHO DEAL WITH THIS ISSUE. THE COMMISSION IS EXPECTED TO ACCEPT THE UPDATE ON SOWAGR AND AUTHORIZE IT TO CONTINUE WORKING ON THE ISSUES.

-- FAO PROGRAMS & ACTIVITIES ON GENETIC RESOURCES (FOR INFORMATION)

-- REPORTS FROM OTHER ORGANIZATIONS (FOR INFORMATION)

-- CODE OF CONDUCT ON COLLECTING AND TRANSFERRING PLANT GENETIC RESOURCES: THE FAO SECRETARIAT BELIEVES THAT THE CODE (WHICH HAS ALREADY BEEN ADOPTED) COULD TAKE ON NEW IMPORTANCE AS IT WOULD PROVIDE GUIDANCE FOR THE EXCHANGE OF MATERIALS NOT COVERED BY THE MULTILATERAL SYSTEM. HOWEVER, IT WOULD NEED TO BE REVISED TO TAKE INTO CONSIDERATION THE IT.

-- CODE OF CONDUCT ON BIOTECHNOLOGY (COMMENT: DORMANT SINCE 1993 AND AN ITEM THAT THE U.S. HAS NOT SUPPORTED. END COMMENT.) ON THIS ITEM, THE FAO SECRETARIAT EXPECTS RESOURCES FOR FOOD AND AGRICULTURE "BRAINSTORMING ON WHETHER IT SHOULD BE AND HOW IT SHOULD BE" RATHER THAN ANY CONCLUSIONS AT THIS SESSION. IN DISCUSSING THE NEED FOR THE CODE, THE FAO SECRETARIAT NOTED THAT COMMISSION MEMBERS WOULD HAVE TO DECIDE 1) IF THERE WAS A RISK FROM BIOTECH BECAUSE OF POSSIBLE DRASTIC CHANGE TO THE ENVIRONMENT (I.E., PESTICIDE-RESISTANT

WEEDS DEVELOPING AS A RESULT OF EXCHANGE OF GENETIC MATERIAL WITH BIOTECH PESTICIDE RESISTANT PLANTS); 2) WHAT MEASURES NEED TO BE TAKEN (ISOLATION, QUARANTINE, SPECIAL LABORATORY CONDITIONS AND, IF NECESSARY, 3) REGULATIONS.

-- AGREE TO NEW MATERIAL TRANSFER AGREEMENTS (MTA) BE USED BY THE INTERNATIONAL AGRICULTURAL RESEARCH CENTERS (IARCS) WHICH HOLD MATERIAL "IN TRUST." THE FAO SECRETARIAT REPORTED THAT A NEW MTA HAS BEEN PREPARED AND

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DISCUSSED, SUBSEQUENTLY "REFINED" BY THE INTERNATIONAL PLANT GENETIC RESOURCE INSTITUTE (IPGRI) AND IS NOW WITH THE FAO LEGAL SECTION. MR. ESQUINAS CALLED THE NEW MTA "EXCELLENT" AND NOTED THAT IT IS PRACTICALLY A CONTINUATION OF THE ORIGINAL REGIME. COMMENT: ACCEPTANCE BY THE COMMISSION WILL DEPEND ON WHETHER COUNTRIES SUCH AS COLOMBIA -- WHICH IS ACTIVELY SEEKING A NEW REGIME, RATHER THAN A CONTINUATION OF THE OLD REGIME -- WILL BE HAPPY WITH THE NEW MTA. END COMMENT

FUNDING QUESTIONS

16. THE FAO SECRETARIAT IS STILL SEEKING FUNDING FOR TRAVEL OF DEVELOPING COUNTRY MEMBERS TO PARTICIPATE IN THE COMMISSION SESSION. THEY ALSO ARE CONCERNED THE FAO REGULAR BUDGET FUNDING WILL NOT BE SUFFICIENT FOR THE HEAVY WORK LOAD AHEAD FOR THE COMMISSION AND THE IGB. THE FUTURE FINANCIAL NEEDS WILL BE SET OUT FOR MEMBERS AT THE SESSION.

17. COMMENT

THE IT NOW COUNTS 56 SIGNATORIES, AND 7 RATIFICATIONS. AMONG THE SIGNATORIES ARE THE EUROPEAN UNION AND AUSTRALIA. CANADA RATIFIED SHORTLY BEFORE THE WORLD FOOD SUMMIT; FIVE YEARS LATER. (OTHER RATIFICATIONS ARE FROM CAMBODIA, ERITREA, GUINEA, INDIA, JORDAN AND SUDAN). FORTY RATIFICATIONS ARE REQUIRED BEFORE THE TREATY ENTERS INTO FORCE. THE UPCOMING IGB MAY REPRESENT THE MOMENT OF MAXIMUM INFLUENCE THAT THE U.S. IS ABLE TO EXERT OVER THE INTERIM GOVERNING BODY; OUR ABILITY TO PARTICIPATE EFFECTIVELY IN THE IGB WILL DIMINISH OVER TIME AS THE TREATY DRAWS NEARER TO ENTERING INTO FORCE; FURTHERMORE, THE U.S. STATEMENT AT THE TIME OF ADOPTION IN NOVEMBER 2001 WAS UNDERSTOOD TO MEAN THAT THE U.S. WOULD NOT, UNDER ANY CIRCUMSTANCE, BE ABLE TO RATIFY UNTIL AFTER THE TREATY HAD ENTERED INTO FORCE (SINCE OUR DOMESTIC LAW WOULD REQUIRE A "NATIONAL SECURITY" CLAUSE INSERTED INTO THE TREATY AND AMENDMENT TO THE TREATY COULD ONLY TAKE PLACE AFTER THE TREATY CAME INTO EFFECT). HEILEMAN